

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
Marchase *et al.*) Art Unit: 1651
)
U.S. Application No. 10/593,417) Examiner: Kim, Taeyoon
)
Filing Date: November 30, 2007) Confirmation No. 1221
)
For: ACTIVATORS OF HEXOSAMINE)
BIOSYNTHESIS AS INHIBITORS OF)
INJURY INDUCED BY ISCHEMIA OR)
HEMORRHAGIC SHOCK)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR LLC
Customer Number 23859

December 21, 2009

Sir:

In response to the Restriction Requirement mailed November 25, 2009, please consider the remarks and elections below. In that Restriction Requirement, the Examiner set a one-month period in which to reply, *i.e.*, by December 25, 2009. Accordingly, this paper is timely.

The Examiner restricted the application and has required an election of one of following two groups under 35 U.S.C. §§ 121 and 372:

Group 1: Claims 1-26, drawn to a method of reducing a pathogenic effect caused by stress in a subject by administering a composition increasing concentration of an intracellular metabolite of the hexosamine biosynthetic pathway.

Group 2: Claims 27-48, drawn to a method of preserving a cell, tissue or organ transplant by contacting the transplant with a composition increasing concentration of an intracellular metabolite of a hexosamine biosynthetic pathway.

As required in response to this action, Applicants elect Group I, Claims 1-26, with traverse.

**ATTORNEY DOCKET NO. 21085.0070U2
APPLICATION NO. 10/593,417**

The present application is a national stage application filed under 35 U.S.C. § 371, and is governed by the unity of invention practice set forth in PCT Rule 13 and 37 C.F.R. § 1.499. In this regard, the Examiner's attention is respectfully directed to § 1893.03(d) of the MPEP. As evidenced by the International Search Report (form PCT/ISA/210), the Written Opinion (form PCT/ISA/237), as well as the International Preliminary Report on Patentability (form PCT/IB/373), the International Examiner searched and examined all of the claims (1-48) during the international phase of this application. Thus, the examination of all of the claims (1-48) in the present national stage cannot reasonably be construed to impose an undue burden on the Examiner.

Applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (MPEP § 803.01). Examining all of the claims together would eliminate the necessity of prosecuting multiple, separate, yet intimately related applications. Thus, Applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

Election of Species:

Also in the Restriction Requirement, the Examiner requested elections from various species should Applicant elect Group I (which they have). Specifically, the Examiner requested a species election regarding (A) the type of component in the composition and (B) the type of condition generating stress. From the species enumerated by the Examiner for category (A), Applicants elect an "inhibitor of O-GlcNAcase." Should a further species election be required from this category, Applicants elect PUGNAc. From the species enumerated by the Examiner for the second category (B), Applicants elect "ischemia." These species elections are made with traverse for the same reasons outlined above.

In Summary, Applicants have elected Group I and the species "inhibitor of O-GlcNAcase" and "ischemia." Claims 1-6, 11, 12, and 24-26 are believed to read on the elected group and species.

No fee is due; however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayments, to Deposit Account No. 14-0629.

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Respectfully submitted,
BALLARD SPAHR LLP

/Christopher L. Curfman/

Christopher L. Curfman
Registration No. 52,787

BALLARD SPAHR LLP
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/Christopher L. Curfman/

December 21, 2009

Christopher L. Curfman

Date